

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BRANDON AUSTILL,

v.

JOSEPH TERRA, et al.

CIVIL ACTION

No. 25-0238

ORDER

AND NOW, this 25th day of June, 2025, upon consideration of Austill's *pro se* complaint (ECF 3) and Request for Default (ECF 17), it is hereby **ORDERED**:

1. In light of Austill's transfer to a different correctional facility, her claims for prospective injunctive relief are **DENIED AS MOOT**

2. Austill's claims against Kristina Owens and her official capacity claims seeking money damages are **DISMISSED WITH PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

3. The Clerk of Court is **DIRECTED** to **TERMINATE** Kristina Owens as a Defendant.

4. Austill's claims against Joseph Terra, her Eighth Amendment deliberate indifference claim, and her Fourteenth Amendment equal protection claim are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

5. The Clerk of Court is **DIRECTED** to send Austill a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.

6. Austill is given thirty (30) days to file an amended complaint in the event she can allege additional facts to state a plausible claim against Terra, an Eighth Amendment deliberate indifference claim and/or a Fourteenth Amendment equal protection claim. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Austill's claims against each defendant, and shall bear the title "Amended Complaint" and the case number 25-0238. If Austill files an amended complaint, her amended complaint must be a complete document that includes all of the bases for Austill's claims, **including claims that the Court has not yet dismissed if she seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case.** When drafting her amended complaint, Austill should be mindful of the Court's reasons for dismissing her claims as explained in my Memorandum. Upon the filing of an amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

7. If Austill does not file an amended complaint, I will direct service of her initial Complaint on Defendants Sokolski, Nash, Patterson, Olivieri, and Lommel only. Austill may also notify the Court that she seeks to proceed on these claims rather than file an amended complaint. If she files such a notice, Austill is reminded to include the case number for this case, 25-0238.

8. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

9. Austill's Request for Default is **STRICKEN**. This case has not yet been served, so default is inappropriate.

BY THE COURT:

s/ Catherine Henry
CATHERINE HENRY, J.